

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-12 and 19 have been amended. Claim 20 has been cancelled without prejudice or disclaimer. Claims 1-17 and 19 are pending and under consideration. The independent claims are 1 and 19.

Applicants assert that no new matter has been added. Support for the amendments can be found in the Specification, for example on page 11, lines 9-21 and page 14, lines 12-20.

II. REJECTION UNDER 35 U.S.C. § 112

Claim 2 was rejected under the second paragraph of 35 U.S.C. § 112 for allegedly being “incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections.” (Office Action, pg. 2, item 3). Specifically, the Office Action asserts that the structural cooperative relationships are: the buddy list system, and obtaining system state information of the introduction target system. (Id.).

Accordingly, applicants have for purposes of clarification amended claim 2 to recite:

the introduction target system notifies the introduction destination system of state information representing a state of the introduction target system through the buddy list system, and

the introduction destination system obtains the state information of the introduction target system through the buddy list system and refers to it (emphasis added, lines 7-9).

Applicants respectfully assert that the claims now even more fully comply with 35 U.S.C. 112, second paragraph and respectfully request the rejection be withdrawn.

III. REJECTION UNDER 35 U.S.C. § 102(b)

Of the remaining claims, claims 1, 3 and 5-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by the article titled “Recommend-it.com: Spread the Word!!” (hereinafter “Recommend-it.com”). This rejection is respectfully traversed.

Claim 1 recites:

the introduction destination system comprising a registering part...
registering user entry information of the introduction target system on a user list,
and [a]... notifying part detecting registration of the user entry... and notifying...
that a registration action based on introduction has been conducted
the introduction target system comprising... notifying part... recognizing a
registration action to the user list in the introduction destination system
(claim 1, lines 7-17).

The Office Action, on page 3, second paragraph, asserts that the "introduction destination system" as recited by claim 1 is described by the email received by the second user in Recommend-it.com on pages 2 and 4. The assertion is respectfully traversed.

Recommend-it.com describes a system in which a website can be "recommend" or refer to a friend to a particular website. The Office Action correlates the Recommend-it.com website itself to the "introduction destination system" and the first user and second user to the "introduction origin system" and "introduction target system" of claim 1 respectively. The Recommend-it.com website, however, does not "[notify] the introduction target system of introduced information representing that a registration action based on introduction has been conducted" as recited in claim 1. Recommend-it.com merely forwards that relevant information to the second user. In addition, the second user as described in Recommend-it.com does not "recognize[e] a registration action to the user list in the introduction destination system" as recited in claim 1. Recommend-it.com is silent on the second user recognizing that they have been registered in a user list on Recommend-it.com. Moreover, Recommend-it.com is silent on using a user list altogether.

In addition, claim 1 recites "user entry information of the introduction target system" and "detecting registration of the user entry" (emphasis added, claim 1, lines 9-11). Recommend-it.com does not describe such features.

Accordingly, claim 1 patentably distinguishes over the cited art for at least the above-mentioned reasons.

Dependent claims 3 and 5-12 inherit the patentable recitations of their base claim, and therefore, patentably distinguish over the cited art for at least the above-mentioned reasons in addition to the additional features recited therein. Accordingly, applicants respectfully request the 35 U.S.C. § 102(b) rejection be withdrawn.

IV. REJECTION UNDER 35 U.S.C. § 103(a)

Claims 2, 4, 14-17 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Recommend-it.com: Spread the Word!!" in view of Official Notice. This rejection is respectfully traversed.

Applicants submit that Official Notice fails to cure the deficiencies of Recommend-it.com described in Section III.

Claim 19 recites:

the introduction destination system receiving the introducing information from the introduction origin system and registering user entry information of the introduction target system on a user list;

the introduction destination system detecting registration of the user entry information of the introduction target system in a buddy list to the user list, and notifying the introduction target system of introduced information representing that the registration action has been conducted; and

the introduction target system receiving the introduced information from the introduction destination system, and recognizing the registration action to the user list in the introduction destination system, based on the introduced information. (claim 19, lines 7-17)

and therefore, claim 19 patentably distinguishes over the cited art.

Dependent claims 4 and 14-17 inherit the patentable recitations of their base claim, and therefore, patentably distinguish over the cited art for at least the reasons discussed in Section III. in addition to the additional features recited therein.

In addition, the applicants respectfully traverse the Office Action's taking Official Notice of claims 2, 13-17 and 19.

The Office Action states that it is old and well known to: 1) obtain names and contact information from a buddy list for marketing purposes and to obtain system state information before sending information through a network in order to determine if the system is capable of receiving the information being transmitted; and 2) that if a user deletes or cancels registration with a business or company, the users involved in the recommendation or registration with the company will be cancelled. (see Office Action pg. 4, second paragraph and pg. 5, second paragraph, respectively).

The applicants respectfully traverse the Office Action's statements and respectfully demand the Office Action produce authority for the statements. The applicants specifically point out the following errors in the Office Action.

First, the Office Action uses common knowledge as the principal evidence for the rejection. As explained in M.P.E.P. § 2144.03(E):

any facts so noticed should . . . serve only to 'fill in the gaps' in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground of rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the feature is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this feature is unique to the present invention. See M.P.E.P. § 2144.03(A) ("the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Office Action's assertion. See M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, it appears that the Office Action also bases the rejection, at least in part, on personal knowledge. The Office Action is required under 37 C.F.R. § 1.104(d)(2) to support such an assertion with an affidavit when called for by the applicant. Thus, applicants call upon the Office Action to support such an assertion with an affidavit.

Accordingly, applicants respectfully request the 35 U.S.C. § 103(a) rejection be withdrawn.

V. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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